

1

2

3 UNITED STATES BANKRUPTCY COURT
4 NORTHERN DISTRICT OF CALIFORNIA

5 In re

6 GEORGE and DENISE MITCHELL,

No. 05-12556

7 Debtor(s).
8

9 Memorandum on Motion to Enjoin 2004 Examination

10 The debtors may be right in their assertion that a stipulation to extend the time to object to
11 discharge not filed before entry of the discharge and with no motion pending is ineffective and they are
12 entitled to keep their discharge. See *In re Neese*, 87 B.R. 609 (9th Cir. BAP 1988), and cases therein
13 cited. However, there is no support for their assertion that the discharge prohibits a 2004 examination.¹
14 Such examinations may be requested for many purposes, including administration of the estate and
15 investigation as to whether a discharge should be revoked. The debtors' duties under § 521 of the
16 Bankruptcy Code do not end with the discharge.

17 Moreover, injunctive relief can be had only by adversary proceeding, not motion, pursuant to
18 FRBP 7001(7). For these reasons, the motion for an injunction against the U.S. Trustee will be denied,
19 without prejudice to an adversary proceeding. Counsel for the U.S. Trustee shall submit an appropriate
20 form of order.

21 Dated: January 31, 2006

22
23
24
25
26
Alan Jaroslovsky
U.S. Bankruptcy Judge

¹The court is scratching its head over the debtors' reliance on § 526 of the Code, and assumes they mean § 524.